

IN THE MATTER OF  
THE APPLICATION OF  
DONALD R. REUWER JR.

\* BEFORE THE  
\* HOWARD COUNTY  
\* HISTORIC PRESERVATION  
\* COMMISSION  
\* Case No. 18-63 (18-22)

FOR ADVISORY COMMENTS  
ON A PROPOSED NEW ROAD  
AND SUBDIVISION AT  
5819/6219 LAWYER’S HILL ROAD

\* \* \* \* \*

### **ADVISORY COMMENTS**

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on April 5, 2018, January 17, 2019, and February 7, 2019, to hear and consider the application of Donald R. Reuwer Jr. (“Applicant”), for Advisory Comments on a proposed new road and subdivision in the Lawyer’s Hill Historic District at 5819/6219 Lawyer’s Hill Road (the “Subject Property”). The Commission members present were Eileen Tennor, Allan Shad, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda and Minutes for the April 5, 2018, January 17, 2019, and February 7, 2019 Commission meetings; (5) the Lawyer’s Hill Historic District Design Guidelines(the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

These Comments are issued under protest, because the Applicant did not provide basic information requested by the Commission necessary for the Commission to perform its responsibilities under the County Code.

Sections 16.603A and 16.606(d) of the County Code directs the Commission to advise and assist the Department of Planning and Zoning, and the Applicant, in identifying “historic resources” on property in a historic district that is proposed for subdivision. As detailed below, both the National Register listing for Lawyer’s Hill and the Howard County designation of the Lawyer’s Hill Historic District both identify trees as historic resources that are a “significant characteristic” of Lawyer’s Hill. Although the Commission requested, and the Applicant agreed in April 2018 to provide information about trees proposed for removal, the Applicant never provided the information. Nor did the Applicant provide information about other historic resources on the property, identified herein. Therefore, the Commission did not have the information before it necessary to identify historic resources proposed for removal and requests the Applicant resubmit the application with the necessary information.

### **SUMMARY OF COMMENTS**

In general, the Commission’s comments can be summarized as follows:

1. The Lawyer’s Hill Historic District is of national significance and is a valuable resource that Howard County should continue to protect.
2. The proposed new road and subdivision will “seriously impair” the historic and architectural value of the Lawyer’s Hill Historic District and could lead to the removal of the District from the National Register of Historic Places and the loss of a rare and valuable cultural resource.

3. The proposed new road and subdivision will require extensive clearing and grading that is incompatible with the historic nature of the Property and the subdivision is far too dense to be compatible with the Lawyer's Hill Historic District. The National Register notes that the historic value of the District comes from widely spaced homes on large forested lots. This is a significant contributing characteristic of the District. Achieving maximum density is "not sufficient justification to allow adverse impacts on historic resources." County Code § 16.118.
4. The proposed architecture, although preliminary, is not compatible with the architecture of the Historic District.
5. The proposed new road and subdivision will involve the removal of numerous trees, which are a resource specifically identified by the National Register and Howard County's as significant to the historic value of the District.
6. The application and supporting materials fail to identify historic resources on the property.
7. In addition to the Guidelines, the R-ED zoning requires that "protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance," including minimizing alterations to existing topography, vegetation, and landscape setting. HCZR 107.0.A and F(3). "To accomplish this, the regulations allow site planning flexibility and require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation

and the landscape setting for historic structures.” The proposed subdivision disregards all of this to the severe detriment of valuable historic resources, including neighboring structures.

## **THE HISTORIC AND ARCHITECTURAL VALUE OF LAWYER’S HILL**

### **Landscape**

The forested landscape is a significant historic characteristic of Lawyer’s Hill. The National Register listing for Lawyer’s Hill notes that the District is eligible for listing because “the area as a whole has retained its historic character” and is “significant for its landscape architecture and community planning.” National Register Significance Summary at 16. The National Register listing notes that the District is located in an area “defined by broad fields and mature forests on rolling hills.” Id. at 25. “The natural and man-made landscape has been allowed to mature, shrouding the houses in foliage and creating thick canopies over the roads.” Id. at 16. A “wide diversity of forest trees continue to flourish on the hill, among them ash, beech, chestnut, sugar maple, oak, hickory, cedar, blue spruce, pine, lindens, dogwoods, and hollies. Numerous ornamental trees and shrubs also survive on Lawyer’s Hill, some over one hundred years old, including boxwoods, paulownia, wisteria, rhododendron and roses. Mature fruit trees planted in the yards of many houses include apples, pears, peaches, and cherry. The landscape is a carefully guarded legacy...one family planted a grove of more than two dozen holy trees during the mid-20<sup>th</sup> century.” Id. Under historic preservation principles, if a district lacks continuity, or “integrity,” it may not qualify for listing on the National Register. National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation*.

The Howard County Lawyer's Hill Design Guidelines also reference the importance of the landscape to the integrity of the Historic District. New development "must protect environmental and historic resources by minimizing the amount of size disturbance and directing development away from these sensitive resources." Guidelines at 39. The Commission must "review the siting and design of new structures, and landscaping, evaluating the development's impact on the historic character of Lawyer's Hill." Id. at 40. The Guidelines recommend large setbacks, retaining existing vegetation, and avoiding clearing and grading. Id. at 42-43.

The Guidelines encourage the preservation of the existing landscape tradition of unspoilt nature and mature trees. Id. at 42. The "historic scenic character of the district will be best preserved if historically significant plantings are retained." Id. "Mature trees and shrubs and open naturalized landscape patters contribute greatly to the Historic District's environmental setting." Id. at 41. The Guidelines recommend "Retain trees, shrubs, and flower gardens that reflect the historic development of the property, particularly mature trees and shrubs." Id. at 44.

### **Residential Architecture and Siting**

The National Register listing records that the collection of houses in Lawyer's Hill is "unparalleled in the county" and that the houses are "similar in terms of mass, proportion, and material." National Register Summary at 16. The National Register notes the continuity of the area and that "While the buildings vary in style, they are closely related in setting, scale, and materials." "Houses were built to fit the contours of the hillside and blend with the natural landscape. Most of the buildings are set back at least one hundred yards." Id.

“Fortunately, the replacement houses, many of which are now historic in their own right, were built on the footprints of the original structures, which has helped maintain the character of each site.” Id. at 4. “Unlike other 19<sup>th</sup> century summer communities-turned suburbs Lawyer’s Hill has not been lost among modern developments. Its rural roots are still apparent in the existing landscape.” Id. at 18. “Each new house has been well-integrated with no adverse effect on the rural environment or the historic integrity of the district.” Id. at 23.

“[T]he definition of internal boundaries between properties is nearly non-existent.” “The open, rolling landscape is generally without artificial boundaries, creating the overall impression that there are no property lines, rather simply a series of different environments flowing unobstructed from one to another.” Id. at 3.

Because of the diversity of architecture in Lawyer’s Hill, the Guidelines for new construction “focus more on location, scale, and proportion than on architectural details.” Guidelines at 36. New development “must protect environmental and historic resources by minimizing the amount of size disturbance and directing development away from these sensitive resources.” Id. at 39. The Guidelines recommend large setbacks and retaining existing vegetation. Id. New buildings should be compatible with the form and scale of the historic homes. Id. at 41.

The Guidelines note that the homes in Lawyer’s Hill were sited and designed to blend with gently rolling hillsides and specifically recommend against extensive clearing and grading. “[N]ew structures should be designed and located to fit the natural contours of the site so that minimal clearing and grading are required.” Guidelines at 42-43.

### **DETAILED COMMENTS ON THE PROPOSED SUBDIVISION**

The comments are provided here as they were delivered by individual Commissioners, but the entire Commission unanimously affirms all the comments.

Ms. Zoren stated that Lawyers Hill became a historic district to protect one of the most diverse collections of historic homes and landscaping in the State if not the country. The diverse collection of buildings encompasses over 200 years of American architectural stylistic variations, with no two alike.

Ms. Zoren stated the Guidelines note that a primary responsibility of the Commission is to preserve historic building elements visible from public roads, as well as to preserve historic elements that are unique in the Historic District or the County, whether they are visible from public roads or neighboring properties. Based on the National Historic Register, as well as the Commission Guidelines, one of these historic elements is the local landscape and forest. The R-ED district is defined as one that “must protect environmental and historic resources by minimizing the amount of site disturbance and directing development away from these sensitive resources.” Ms. Zoren stated that while Mr. Reuwer had attempted to cluster the home sites to minimize disturbance, the sheer amount of homes did not allow for the required protection of environmental and historic resources. Ms. Zoren stated that not only is the entire site a forest, there are multiple stands, each with different tree types and related ecosystems. Most would consider this forest an environmental resource, which the R-ED zoning was intended to protect. Ms. Zoren stated in addition, the District’s Guidelines, as well as the National Historic Register, frequently note the forest, landscaping and vegetation as

essential to the character of the Historic District, therefore becoming a historic resource as well as an environmental resource.

Ms. Zoren stated that zoning maximums are never a guarantee, but are in fact maximum thresholds. Before allowing maximum zoning, all departments should look closely and review if they are warranted. In this case, a number of small lot homes could threaten and seriously dilute a National Historic Register community as well as a Historic District. Ms. Zoren said the plan dilutes the District by proposing a new public road. Currently there are only 2 public roads within the Historic District. By adding one, the total number of roads increases by 50%. Ms. Zoren stated that the increase of 17 homes to a small community of around 30 homes seriously dilutes the District, as well as threatens its very standing as a District.

Ms. Zoren stated the Guidelines recommend new development should continue the District's pattern of development, which is part of the historic environmental setting, by providing large setbacks between new houses and Lawyers Hill Road and Old Lawyers Hill Road. They also recommend retaining existing vegetation and planting new vegetation to screen new homes from these roads. The Guidelines specifically recommend against new homes with little vegetative screening and shallow setbacks, all of which are key features of the proposed site plan. For a plan to approach compatibility, landscape buffers from adjacent properties should be increased and buffers screening each new home from each other should be provided as well. The current site plan does not allow sufficient buffering from the new public street, adjacent properties or the new houses from each other.

Ms. Zoren stated that the Guidelines recommend new buildings visible from the District's public roads should be compatible with the form and scale of the historic homes. To be compatible, homes can vary in size, but are generally one and one-half to two and one-half stories high and often are complex in form. The homes are generally wider than they are high. Ms. Zoren stated that these new homes do not appear to comply with these recommendations. Where new buildings will not blend with historic homes, they should be screened from public roads by setbacks and vegetation. The proposed homes all front the new public road at a similar, monotonous setback.

Ms. Zoren stated that the Guidelines recommend against garages highly visible from a public road. The proposed front-facing garages are not compatible with the District. She stated that the proposed detached garages are provided with zero lot line homes, which also have no place in the District because they are incompatible with the existing historic setting.

Ms. Zoren said the Guidelines recommend against new homes constructed of materials not typical of the District. These include no vinyl siding, as well as no vinyl building products. The most common exterior wall material in the Historic District is wood siding consisting of overlapping wood boards running horizontally. Both clapboards and German siding are found, as well as masonry and stone construction. Porches are a dominant feature of many Lawyers Hill residences. Approximately half of the historic homes have porches on the front of the house or wrapping around more than one side. Porches are generally of frame construction with painted wood and will add life to the street. Ms. Zoren stated exposed/unfinished concrete foundations, are

inappropriate and incompatible with the District. Any exposed foundation should be faced with a brick or stone veneer, including walkout basements.

Ms. Zoren said window styles are essential to creating a compatible neighborhood. Window arrangement, size and shape are important in establishing the proportion, scale and character of a building. In designing elevations, remember that as each home should be different, so should its windows. Ms. Zoren stated that the home examples provided in the submission all use the same window types and sizes throughout, and this will not be compatible. Ms. Zoren stated the architectural styles represented in Lawyers Hill are recognizable in part by the ornamental details typical of these styles. The Beazer homes provided as examples do not include sufficient ornamentation or richness of detail for the Lawyers Hill District. Ms. Zoren stated that details such as bargeboard trim, cornice brackets, window trim and ornamental shingles should be included and vary greatly amongst the new homes. Consider the use of dormers to vary the heights of the homes.

Ms. Zoren recommended looking at new urbanist communities such as Maple Lawn. These communities have utilized suburban home builders, with standard plans, and yet out of these basic plans, they were able to create many homes with varying facades, styles and reasonable levels of detail, all while providing rear loaded and detached garages. Ms. Zoren added that care should be taken to improve not just the front elevation, but the sides and rear elevations as well, because blank facades are inappropriate in this location. She added that rear elevations should also be designed and well thought out, as they will impact the adjacent historical resources, and given the lack of buffers will be highly visible.

Ms. Zoren concluded by stating that she is extremely concerned with this plan. Ms. Zoren stated she recommends that the Department of Zoning and the Planning Board carefully consider the value of these 17 new construction homes and weigh it against the negative impact they will have on environmental resources, and the Lawyers Hill Historic District.

Mr. Reich stated he agreed with Ms. Zoren. Mr. Reich stated he has a basic problem with the concept and he agreed with the testimony given by Fern Nerwood at the January 17, 2019 meeting that the average lot size in the District is 2.93 acres. Mr. Reich stated this proposal is a major disruption to the flow and character of the District. Mr. Reich said the plan will wipe out 90% of the forest on the site, do some leveling of the ground and then add some landscaping for buffering. Mr. Reich stated that the new development does not want to be part of the Historic District, but a little embryo inside of it and separated from it. Mr. Reich stated he did not like the plan and he does not like that it separates the other historic property to the south from the rest of the District. Mr. Reich recommended the appropriate size of the development was only 3 houses, which would save the existing landscape and grading, and would be consistent with the flow and character of the District. Mr. Reich also recommended custom homes using clapboard siding, masonry, or brick, and in varying sizes and styles to fit the character of the District.

Mr. Reich stated he understood the financial incentive to subdivide the property as it is R-ED zoned. Mr. Reich stated that is beyond the Commission's purview and is a legal issue. Mr. Reich stated the Commission was here to ask how does subdividing and

the proposed development fit within the character of the Historic District. Mr. Reich stated in his opinion the overall concept was off by about 14 houses.

Mr. Roth stated that he concurred with Ms. Zoren and Mr. Reich. He said the Lawyers Hill Overlook proposal has three major issues: destruction of environmental setting, both on site and for the surrounding area; destruction of historic resources; and inappropriate siting and design of homes.

Mr. Roth first addressed the issue of the destruction of environmental setting. Mr. Roth stated the environmental setting is a defining characteristic of the Lawyers Hill Historic District, and the R-ED zoning regulations explicitly describe the purpose of the zoning as protection of environmental resources.

Mr. Roth referenced the Lawyers Hill Historic District Preservation Guidelines, Chapter 3, "In Lawyers Hill, the homes are designed with minimal clearing and grading to blend with the surrounding hillsides and are surrounded by woods and a diverse collection of ornamental trees and shrubs, reflecting the Hill's strong landscaping tradition." He referenced Guidelines Chapter 8, Section B, when reviewing requests for clearing vegetation, grading, or cutting down trees, the Historic District Commission will consider the impact of the changes and the planned treatment of the area on the historic setting of the District. Minimize removal of mature trees and shrubs and provide for their replacement with similar species whenever possible. Mr. Roth referenced Chapter 9 of the Guidelines "Minimize clearing and grading by designing and siting new structures and other site improvements to blend with the natural contours of the site." Mr. Roth quoted from Chapter 4 of the Guidelines, which incorporate these guidelines from the Secretary of the Interior's guidelines, "[...] new construction shall be undertaken in such

a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”

Mr. Roth also referenced Title 16.600 of the County Code, which establishes the Historic Preservation Commission, and states the regulations are adopted “...to regulate construction, alteration, reconstruction, moving and demolition of structures of historic, architectural, and archeological value, together with their appurtenances and environmental settings...”.

Mr. Roth referenced the R-ED zoning regulations. According to the zoning regulations, a purpose of R-ED zoning is the protection of environmental resources: “Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance [...]. To accomplish this, the regulations [...] require the development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.

Mr. Roth stated that the degree of clearing and grading proposed for the site cannot reasonably be described as “minimal”. Mr. Roth stated it is extensive and irreversible, it is contrary to the guidance and purpose of the law, regulations, and Guidelines previously cited, and it will seriously impair the historic value of the surrounding area.

Mr. Roth next addressed the issue of destruction of historic resources. Mr. Roth noted that the Commission had previously identified two significant historic resources on the site in their Advisory Comments at the April 2018 meeting. The first is the remains of a hearth and a foundation to the northeast of the existing well house at the south end of

the parcel, which are likely the remains of the circa 1845 homestead of Jarrett and Caroline Peddicord. This is Liber/Folio 6/114 in the land records. This resource is also an archeological site. The second is the driveway to the former 1884 home on the site known as Springhurst (HO-443). Land records suggest the driveway is a portion of a historical road known as ‘Peddicord’s Lane,’ which provided access to the Peddicord home site. Peddicord’s lane is mentioned in Liber/Folio 6/114, 14/147, and 37/328. Mr. Roth stated that this lane predates Lawyers Hill Road. It leads to Rockburn Branch to a road later called “Bowdoin’s Road” along Rockburn Branch, which leads to the current River Road. The lane on this property is an interesting surviving example of the mid-19<sup>th</sup> century road network.

Mr. Roth noted that the Guidelines, the County Code 16.600, the R-ED zoning regulations, and the Subdivision and Land Development regulations (16.118) call for the protection of historic and archaeological resources. Mr. Roth noted that the Guidelines incorporate the following guidance from the Department of Interior: “Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigative measures shall be undertaken.” Mr. Roth noted that Chapter 9 of the Guidelines specifically state “Historic driveways, walkways and patios should be maintained whenever possible. While the construction materials used for existing driveways are probably not historic, the alignments themselves may be historic and should be retained.” “Where needed, install new driveways that are narrow (one lane), constructed of dark colored gravel or asphalt, and follow the contours of the site to minimize the need for clearing and grading, For new homes, the use of shared driveways should be explored.”

Mr. Roth noted that County Code § 16.118 states “Historic buildings, structures and landscape features which are integral to the historic setting should be located on a single lot of suitable size to ensure protection of the historic structure and setting. [...] Whenever possible, historic resources should be integrated into the design of the subdivision or site plan. [...] Access to the historic property should be via its existing driveway, wherever possible. [...] Achieving the maximum possible density is not sufficient justification to allow adverse impacts on historic resources.”

Mr. Roth noted that a purpose of R-ED zoning is the protection of historic resources. The R-ED zoning regulations state “Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance [...]. To accomplish this, the regulations [...] require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.”

Mr. Roth noted that the Commission is required by the County Code to advise the Department of Planning and Zoning of historic resources. The Code specifically states “Prior to the initial submittal of an application for subdivision or site development plan approval on a site located in a historic district established under this subtitle, [...] the applicant shall request review by the Commission to identify all historic resources on the site and obtain advice from the Commission regarding the design of development.” (16.603a)

“[The Historic Preservation Commission shall] Advise and assist the Department of Planning and Zoning in identifying historic resources on property that requires subdivision or site development plan approval and is located in a historic district

established under this subtitle or contains an historic structure. Such advice shall be given prior to the initial plan submittal for either subdivision or site development plans.” (16.606d).

Mr. Roth stated the preliminary sketch plan provided by the Applicant does not show either of the historic resources identified by the Commission in the advisory comments from April 2018. Mr. Roth advised that it should be revised before the Department of Planning and Zoning undertakes any further consideration of the proposal.

Mr. Roth stated the proposal would destroy the archaeological site as a result of inappropriate and excessive clearing and grading. Mr. Roth stated that this is contrary to the direction found in the Historic District Guidelines, the R-ED zoning regulations, and § 16.118.

Mr. Roth stated it is also clear that the historic lane would be destroyed and replaced with a new public road, and there is no precedent for a new public road in the Historic District. Mr. Roth stated that the replacement of the historic lane with a new public road is contrary to the direction found in the historic district guidelines, the R-ED zoning regulations, and § 16.118.

Mr. Roth next addressed the issue of the inappropriate siting and design of homes. Mr. Roth stated that each new home in the proposed subdivision will be part of the Lawyers Hill Historic District. These homes are not a “world apart” to be hidden away. The residents of these homes should enjoy the same historic environmental setting as any other resident of the district. If this subdivision results in an incompatible modern development embedded into the historic district, it will create a precedent that, over time,

will turn the historic district into a patchwork of historic and new. The integrity of the district as a whole will be lost.

Mr. Roth stated the Guidelines include information on how to make new homes compatible with the Historic District. Mr. Roth cited specific parts of the Guidelines. “While buildings vary considerably in style, they are closely related in scale, materials and environmental setting. [...] The homes were designed with minimal clearing and grading to blend with the surrounding hillsides and are surrounded by woods and a diverse collection of ornamental trees and shrubs, reflecting the Hill's strong landscaping tradition.” (Ch. 3). “While not readily labeled, these [20th century] vernacular, sometimes eclectic, structures are compatible with the older homes found in the Historic District. This compatibility derives not only from their early 20th century construction, but also their scale, massing, setbacks from roads, frame materials, roof shapes, covered porches and window patterns.” (Ch. 3).

He noted that Chapter 7 recommends against “placing a new garage or carport where it blocks or obscures views of a historic house, is highly visible from a public road, or is in a front yard.” (Ch. 7). “Most homes are set back substantially from public roads and screened by trees and shrubs. New development should continue this pattern, which is part of the historic environmental setting of the District,” (Ch. 8A).

“The homes in Lawyers Hill were sited and designed to blend with the gently rolling hillsides. Forest growth was retained through minimal clearing and grading, and properties were informally landscaped with an assortment of ornamental trees, shrubs and flowers. Mature trees and shrubs and open, naturalized landscape patterns contribute

greatly to the Historic District's environmental setting. It is important that new construction retain these landscape characteristics.” (Ch. 8B).

“All homes in the District are single-family detached houses. The Historic District is established to preserve the historic value not only of individual historic buildings, but also of the Lawyers Hill community as a whole.” (Ch. 8C). The Guidelines recommend against “New houses with foundations or built-in garages that are highly visible from a public road.” (Ch. 8C).

Mr. Roth stated that the proposed houses, to include the appurtenances and environmental setting of the lot upon which each house resides, are not compatible with the historic district. He offered these specific reasons for his assessment:

- The houses do not have sufficient setback from the (new) public road.
- The houses have either front loading garages or zero lot lines, neither of which is compatible with the historic district.
- The houses do not have sufficient spacing between them for the natural, informal landscaping which is a defining characteristic of the district.
- The houses do not have adequate screening by trees and shrubs, both from the public road and from one another.
- The houses typically have unfinished sides and minimal side windows, which is not consistent with the architecture of the district.
- There is no information provided regarding the finish of the rear of the houses. Existing houses in the district are designed to be viewed from all sides, consistent with the natural and informal siting of the homes.
- The proposed street trees are a regularly spaced, formal row, which is not in keeping with the informal, natural landscaping that characterizes the district.

Mr. Roth stated that, taken as a whole, the proposed houses would create an enclave within the District that does not conform to the standards for the District. The

proposed houses would seriously impair the historic and architectural value of the surrounding area. This is the first subdivision since the creation of the Lawyers Hill Historic District, and it will set a precedent for future subdivisions. As a result, it would not be appropriate for the Historic Preservation Commission to be lenient in its judgement of this proposal.

Mr. Roth concluded his advisory comments by providing an example of how this parcel might be subdivided and developed that would be compatible with the Historic District.

- Use the existing historic lane as a shared driveway instead of building a new public road.
- Perform minimal grading to smooth the steep grade entering the property. It is understood that
- this would limit the number of houses to a maximum of 6.
- Locate 6 houses on the high ground at the middle of the lot and on the upper south-facing slope
- with minimal grading.
- Create no disturbance at all to the north-facing slope except as necessary to grade the shared
- driveway. This should reduce the need for stormwater management ponds in view of Lawyers
- Hill Road, a County scenic road. This will preserve the specimen trees on the north facing slope.
- Provide ample separation between houses for informal, natural landscaping.
- Site houses to preserve specimen trees and existing smaller trees between homes.
- Site houses to follow the contour of the land, with no grading.
- Site houses to allow side or rear-entry garages, or detached garages.
- Each house should be unique and finished to the same standard of quality on all sides.

- Locate houses away from the likely Peddicord homestead site, which should be incorporated
- into the open space area containing the wetland on the south end of the site.

Mr. Roth stated that his example would raise none of the issues of the current proposal and gave these reasons:

- It truly has minimal grading and clearing, and preserves the environmental setting that characterizes the district as a whole.
- It preserves the historic resources to the maximum extent.
- Each new home is compatible with the district in terms of scale, massing, appurtenances, and environmental setting within each home's lot.

Ms. Tennor stated she always thinks about her decision's lasting impact on the Historic Districts and the people of Howard County when reviewing applications. Ms. Tennor stated the houses proposed for the new development in Lawyers Hill are in stark contrast to the character of the existing homes of the Historic District in almost every respect. The proposed homes are aligned closely along the new street with uniform setbacks, at uniform intervals, with minimal side yards allowing very little landscaping between units, and little variety in massing, elevations, materials or fenestration.

Ms. Tennor stated the developer consultant has stated that while most of the tree cover of this site will be removed, he proposes to install 10-inch caliper trees along the new street. He bemoans the fact that under the County Code, the minimum requirement is a 2.5-inch caliper tree and that this usually becomes the maximum installed in a new development. The minimum becomes the maximum and this should not happen.

Ms. Tennor stated the developer then goes on to make the claim that the maximum density allowed under R-ED Zoning is the minimum the Applicant can and

should accept. Anything less, he states, would be an unreasonable constraint and a dangerous rupture of the covenant the County has established with property owners. Here the maximum becomes the minimum. Ms. Tennor stated in fact, this maximum density should not be the minimum to even be considered or considered profitable.

Ms. Tennor stated the Commission's position is that the maximum density should not automatically be the minimum for any parcel of land in the County, let alone in either of the County's only two Historic Districts. Ms. Tennor stated there are many factors to be weighed when it comes to land development. Preservation of natural, historic and cultural resources are among the most important of considerations. Ms. Tennor stated she hopes to hear back from the Applicant about a revised plan more in keeping with the historic surroundings and less disruptive of the natural environment.

Mr. Shad stated he agreed with the Commissioners' previous comments and concerns, especially as it pertains to density, tree removal, and the amount of grading that is proposed. Mr. Shad stated those are the three major issues for the neighbors and the Commission to be concerned about.

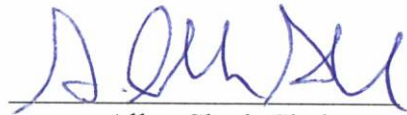
Mr. Shad stated those are the Advisory Comments put forth by the Commission and he hopes that the Department of Planning and Zoning takes them to heart. Mr. Shad said he looked forward to future applications that would bring the designs of the houses to the Commission. He stated that each house should be unique and that would be favorable to the Commission and the surrounding community. Mr. Shad stated that he hopes that the Lawyers Hill Historic District will be proud of this plan someday. Mr. Shad said that all of the neighbors will continue to be good neighbors, and he hopes Mr. Reuwer will take all the comments into consideration and make changes based on those

comments that move in a positive direction. He thanked the Applicant for the presentations.

### **CONCLUSION**

These Advisory Comments are issued, under protest, this 4th day of April, 2019. The Commission requests the Applicant resubmit the application with the necessary information and a plan that is more compatible with the Lawyer's Hill Historic District.

### **HOWARD COUNTY HISTORIC PRESERVATION COMMISSION**



Allan Shad, Chair

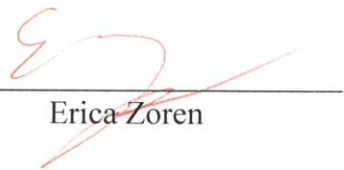
Bruno Reich



Drew Roth



Eileen Tennor



Erica Zoren



Beth Burgess  
Executive Secretary